

House Study Bill 9 - Introduced

HOUSE FILE _____
BY (PROPOSED COMMITTEE
ON JUDICIARY BILL BY
CHAIRPERSON ANDERSON)

A BILL FOR

- 1 An Act modifying the definition of assault.
- 2 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

1 Section 1. Section 708.1, subsections 1 and 2, Code 2011,
2 are amended to read as follows:

3 1. Any voluntary act which ~~is intended~~ a reasonable person
4 would expect to cause pain or injury to, or which ~~is intended~~ a
5 reasonable person would expect to result in physical contact
6 which will be insulting or offensive to another, coupled with
7 the apparent ability to execute the act.

8 2. Any voluntary act which ~~is intended~~ a reasonable person
9 would expect to place another in fear of immediate physical
10 contact which will be painful, injurious, insulting, or
11 offensive, coupled with the apparent ability to execute the
12 act.

13 EXPLANATION

14 This bill modifies the definition of assault. Under
15 the bill, an assault is defined as any voluntary act which
16 a reasonable person would expect to cause pain or injury
17 to, or which a reasonable person would expect to result in
18 physical contact which will be insulting or offensive to
19 another, coupled with the apparent ability to execute the act.
20 Currently, assault is defined as such acts which are intended
21 to cause pain or injury or to result in such physical contact.

22 Under the bill, an assault is also defined as any voluntary
23 act which a reasonable person would expect to place another
24 in fear of immediate physical contact which will be painful,
25 injurious, insulting, or offensive, coupled with the apparent
26 ability to execute the act. Currently, such assault is defined
27 as such an act which is intended to place another in such fear.

28 The changes in the bill are in response to Iowa supreme court
29 cases State v. Heard, 636 N.W.2d 227 (Iowa 2001) and State v.
30 Bedard, 668 N.W.2d 598 (Iowa 2003).